REMARKS

Status of the claims

Upon entry of these remarks, claims 2-8 and 18-20 will be canceled without prejudice or disclaimer, claims 1, 9-17, and 21-124 will be pending in the present application. Claims 21-124 have been provisionally elected, *with traverse*.

New claims 21-124 find support in the claims as originally filed and throughout the specification. More particularly, support for new claims can be found in the specification, for example, as follows: support for new claims 21-124 can be found, for example, at: page 4, fifth full paragraph (antibodies); page 36, last paragraph to page 38, first paragraph (antibodies); page 4, third full paragraph (polypeptides); page 7, first and second full paragraphs (polypeptides); original claims 1 and 9 (polypeptides); page 19, first full paragraph (30 and 50 amino acids); page 26, first paragraph, last sentence (lacking initial methionine); page 36, fourth paragraph (immunogenic fragments); page 26, first paragraph, first full sentence (glycosylation); page 36, last full paragraph (monoclonal, polyclonal, chimeric, humanized, single chain, and Fab fragments); page 37, first full paragraph (human antibodies); page 37, last paragraph, first sentence (labeled); page 37, first full paragraph (antibody producing cell and hybridoma); page 14, last full paragraph to page 15, first paragraph (method of detecting); page 36, last paragraph (immunizing animal); page 5, last paragraph (ATCC Deposit); page 17, last full paragraph (ATCC Deposit); original claims 1 and 9 (ATCC Deposit). Thus, no new matter has been added by way of amendment.

Provisional Election with Traverse

The Examiner has required restriction of the claims into one of nine groups - Group I drawn to isolated polynucleotides encoding the Colon Specific polypeptides, vectors and host cells comprising said polynucleotides and a method of recombinantly producing a Colon Specific polypeptide (represented by claims 1-8); Group II drawn to a Colon Specific polypeptide (represented by claim 9); Group III drawn to an agonist for the polypeptide (represented by claim 10); Group IV drawn to an antagonist and a method of treatment using the antagonist (represented by claims 11 and 12); Group V drawn to a method of treatment comprising administering to the patient DNA encoding the antagonist polypeptide (represented by claim 13); Group VI drawn to a method of treatment comprising administering to the patient a therapeutically effective amount of polypeptide (represented by claim 14); Group VII drawn to a method of treatment comprising administering to the patient an DNA encoding the Colon Specific polypeptide (represented by claim 15); Group VIII drawn to a method of screening compounds to identify antagonists to the polypeptide (represented by claim 16); and, Group IX drawn to a process for diagnosing a disorder of the colon (represented by claims 17-20).

In response, and pursuant to MPEP § 818.02(a), Applicants provisionally elect, *with traverse*, the subject matter of new claims 21-124, drawn to antibodies that bind Colon Specific polypeptides of the present invention.

Applicants submit that the subject matter of new claims 21-124 while fully supported by the specification as filed, does not correspond exactly to one of the Groups defined by the Examiner in the Office Action, but nonetheless form a single group of claims organized according to the scheme set forth by the Examiner in the Restriction Requirement. Under MPEP § 818.02(a) though, an election may be made by the presentation of original claims. Applicants

reserve the right to file one or more divisional applications directed to non-elected groups should the restriction requirement be made final.

Applicants respectfully traverse the restriction requirement. The Examiner asserts that the claimed subject matter of the specified groups are distinct. Even assuming, for the sake of the argument, that patentably distinct inventions appear in a single application, restriction remains improper unless it can be shown that the search and examination of the groups together would entail a "serious burden" (see MPEP § 803). Applicants disagree with The Examiner's assertion that it would impose an undue burden to examine the nucleic acid, polypeptide, antibody, and method claims together.

Applicants submit that searching the claims together would ease the Examiner's burden because the searches for the different groups are overlapping. Applicants submit that a search of the polynucleotide claims would clearly provide useful information for the polypeptide claims. For example, in many, if not most, publications where a published nucleotide sequence contains an open reading frame, the authors also include, as a matter of routine, the deduced amino acid sequence. Thus, the searches for polynucleotides and polypeptides commonly overlap.

Moreover, a search for the Colon Specific Gene of the present invention would provide useful information for the Colon Specific Protein encoded by said Gene. Similarly, a search of the Colon Specific Protein of would provide useful information about agonists, antagonists, and antibodies to the Colon Specific polypeptides. Similarly, a search of the Colon Specific Gene and Protein would provide useful information about methods of treatment, methods of screening, and processes for diagnosing a disorder using the Colon Specific polynucleotides and polypeptides (as well as agonists, antagonists, and antibodies thereto). Thus, the search and

examination of the Colon Specific polynucleotides, polypeptides, and antibodies would not entail a serious burden.

Accordingly, Applicants respectfully request that the restriction requirement be withdrawn.

Should the restriction requirement not be withdrawn, in order to expedite prosecution of this case, Applicants provisionally elect, *with traverse*, antibodies that bind Colon Specific polypeptides of the present invention

CONCLUSION

Applicants respectfully request that the remarks above be entered and made of record in the file history of the instant application.

Respectfully submitted,

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